

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION**

UNITED STATES OF AMERICA, )  
v. )  
TRAVIS NATHANIEL FRANCE, )  
Defendant. )  
Case No. 1:09CR00006  
OPINION  
By: James P. Jones  
United States District Judge

*Travis Nathaniel France, Pro Se Defendant.*

Travis Nathaniel France, a federal inmate proceeding pro se, has filed a Motion to Vacate, Set Aside or Correct Sentence, pursuant to 28 U.S.C.A. § 2255 (West Supp. 2012), alleging that his sentence is invalid under recent precedent from the United States Court of Appeals for the Fourth Circuit. For the reasons stated, I must deny Stillwell's § 2255 motion without prejudice as successive.

This court may consider a second or successive § 2255 motion only upon specific certification from the United States Court of Appeals for the Fourth Circuit that the claims in the motion meet certain criteria. See § 2255(h). Court records indicate that France previously filed a § 2255 motion concerning this same conviction and sentence. *United States v. France*, No. 1:09CR00006, 2010 WL 5104950 (W.D. Va. Dec. 9, 2010), *appeal dismissed*, 446 F. App’x 659 (4th Cir. 2011) (unpublished). Because France offers no indication that he has obtained

certification from the court of appeals to file a second or successive § 2255 motion, I must dismiss France's current action without prejudice.

A separate Final Order will be entered herewith.

DATED: August 31, 2012

/s/ James P. Jones  
United States District Judge